

Attorney Docket No. 7175-71858

Application No. 10/509,137 (Filed September 27, 2004)

Reply to Office Action dated June 22, 2007

**AMENDMENTS TO THE DRAWINGS**

Please replace drawing sheet 3 containing Fig. 3 with the attached amended drawing sheet. Fig. 3 has been amended to correct informalities noted by the examiner.

**REMARKS**

Claims 1-11 are pending in the subject application. Claim 12 has been previously canceled. Claims 1, 2, 5-6, and 8-10 are amended herein.

The Examiner has objected to Fig. 3. As suggested by the Examiner, Fig. 3 has been amended to extend the lead line from numeral 22 to the cover, and to show openings 64 and the lines therefrom in solid lines. Withdrawal of the objection to Fig. 3 is, therefore, respectfully requested.

The specification was objected to under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as being not clear, concise, and exact. As suggested by the Examiner, the specification has been amended to substitute -- connector 23 -- for “connector 23.” Withdrawal of the objection to the specification is, therefore, respectfully requested.

Claims 1-11 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as their invention. As suggested by the Examiner, but without agreeing with him, independent claims 1, 8, and 9 have been amended to delete the term “non-porous” objected to by the Examiner. Withdrawal of the subject § 112, 2<sup>nd</sup> paragraph, rejection is, therefore, respectfully requested.

Reconsideration of the rejection of claims 1-11 as being unpatentable under 35 U.S.C. 103(a) over Heaton (GB 2,329,127) in view of Zamierowski (WO 90/11795) is requested. It is believed that amended independent claims 1, 8, 9, and dependent claims 2-7 and 10-11, patentably distinguish over Heaton in view of Zamierowski for the reasons given below.

Regarding claim 1, Heaton does not disclose or suggest “at least one discrete opening extending through a top surface of the cover.” The Examiner asserts that “the wound contacting layer” is Heaton’s foam pad 73 and “the cover” is Heaton’s suction head 30. The Examiner further asserts that “the at least one “discrete” opening is the opening of the cells of *foam pad 73* at the top surface beyond *suction head 30* or the openings at the periphery of *suction head 30* defined between projections 32.” (*Italics added.*) However, as shown in Figs. 5-7, neither the opening of the cells of *foam pad 73* at the top surface of *foam pad 73* beyond *suction head 30*, nor the openings at the periphery of *suction head 30* defined between downwardly-extending projections 32, extend “through a top surface of the” suction head 30, as required by claim 1.

Zamierowski is neither proffered for, nor does it overcome the foregoing deficiency of Heaton with respect to claim 1. Specifically, as shown in Figs. 9-10, Zamierowski does not disclose or suggest “at least one discrete opening extending through a top surface of” the cover 222. Instead Zamierowski merely discloses a port 238 which is “configured to communicate with the vacuum source,” such as the vacuum source 42 shown in Fig. 6. (See also Zamierowski’s page 20, lines 21-28.) However, as shown in Figs. 9-10, Zamierowski fails to disclose or suggest “at least one discrete opening extending through a top surface of” the cover 222.

Regarding claim 8, Heaton does not disclose or suggest “a plurality of discrete channels extending along a top surface of the wound contacting layer” in combination with “outer portions of the channels extending between an outer edge of the cover and an outer edge of the wound contacting layer defining a plurality of peripheral access channels configured to communicate negative pressure to an undermined portion of the wound.” Instead, as shown in Figs. 5-7, Heaton merely discloses a foam pad 73, without “a plurality of discrete channels extending along a top surface of” the foam pad 73 and without “a plurality of peripheral access channels configured to communicate negative pressure to an undermined portion of the wound.”

Zamierowski is neither proffered for, nor does it overcome the foregoing deficiency of Heaton with respect to claim 8. Specifically, Zamierowski does not disclose or suggest “a plurality of discrete channels extending along a top surface of the wound contacting layer” in combination with “outer portions of the channels extending between an outer edge of the cover and an outer edge of the wound contacting layer defining a plurality of peripheral access channels configured to communicate negative pressure to an undermined portion of the wound.” Instead, as disclosed at Figs. 9-10 and page 19, line 1, to page 20, line 13, Zamierowski’s wound contacting layer 250 comprises a foam pad or a mesh or sheet of synthetic material or a pad or bag of hydrophilic colloid materials, without “a plurality of discrete channels extending along a top surface of” the wound contacting layer 250 and without “a plurality of peripheral access channels configured to communicate negative pressure to an undermined portion of the wound.”

Regarding claim 9, as indicated above with respect to claim 8, Heaton does not disclose or suggest “a plurality of discrete channels extending along a top surface of the wound contacting layer” in combination with “outer portions of channels extending between an outer edge of the cover and an outer edge of the wound contacting layer defining a plurality of peripheral access channels ... adapted to communicate negative pressure to an undermined portion of the wound.” In addition, as indicated above with respect to claim 1, Heaton does not disclose or suggest “a second plurality of discrete holes opening through a top surface of the cover” in combination with “the

second plurality of discrete holes ... adapted to communicate negative pressure to an undermined portion of the wound.”

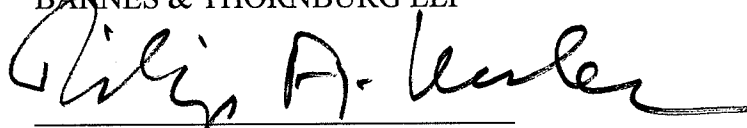
Zamierowski is neither proffered for, nor does it overcome the foregoing deficiency of Heaton with respect to claim 9. Specifically, as indicated above with respect to claim 8, Zamierowski does not disclose or suggest “a plurality of discrete channels extending along a top surface of the wound contacting layer” in combination with “outer portions of channels extending between an outer edge of the cover and an outer edge of the wound contacting layer defining a plurality of peripheral access channels ... adapted to communicate negative pressure to an undermined portion of the wound.” In addition, as indicated above with respect to claim 1, Heaton does not disclose or suggest “a second plurality of discrete holes opening through a top surface of the cover” in combination with “the second plurality of discrete holes ... adapted to communicate negative pressure to an undermined portion of the wound.”

Accordingly, applicants respectfully submit that amended independent claims 1, 8, and 9, and dependent claims 2-7 and 10-11, patentably distinguish over Heaton in view of Zamierowski, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants believe that no fees are required due to this amendment. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-71858.

Respectfully submitted,  
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